

12-2-0270

(Do Not Write Above This Line)

RESOLUTION BY
PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CITY OF ATLANTA V. DOUGLAS ORR, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2005-CV-113029, IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) IN SETTLEMENT OF THE CONDEMNATION OF A DEEP TUNNEL SEWER EASEMENTS FOR THE WEST AREA TUNNEL PROJECT; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM 5052 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE CIP) 4333000 (NEW SEWER SERVICES) 102066 (CSO-WEST TUNNELS) AND 21391 (DWM RNE 9999); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE REMAINING SETTLEMENT AMOUNT AND FOR OTHER PURPOSES.

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

First Reading

Committee _____

Date _____

Chair _____

Referred To _____

PSLA Committee

2/28/12 Date

Chair

Fav, Adv, Hold (see rev. side)

Action

Members

John M. Vesper
Robert Stember

Refer To

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)

Action

Members

Refer To

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)

Action

Members

ADOPTED BY

MAR 0 5 2012

COUNCIL

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED
MAR 0 5 2012

COUNCIL PRESIDENT PROTTEM

CERTIFIED
MAR 0 5 2012

Robert Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 1 4 2012

WITHOUT SIGNATURE
BY OPERATION OF LAW



**A RESOLUTION BY
PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF CITY OF ATLANTA V. DOUGLAS ORR, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2005-CV-113029, IN AN AMOUNT NOT TO EXCEED TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) IN SETTLEMENT OF THE CONDEMNATION OF A DEEP TUNNEL SEWER EASEMENTS FOR THE WEST AREA TUNNEL PROJECT; THAT ALL MONETARY SETTLEMENT AMOUNTS BE CHARGED TO AND PAID FROM 5052 (WATER AND WASTEWATER RENEWAL AND EXTENSION FUND) 170215 (DWM WASTEWATER SEWER REPAIR) 5414002 (FACILITIES OTHER THAN BLDGS/INFRASTRUCTURE CIP) 4333000 (NEW SEWER SERVICES) 102066 (CSO-WEST TUNNELS) AND 21391 (DWM RNE 9999); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE REMAINING SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES

WHEREAS, Douglas and Kimberly Orr (“Property Owner”) are the owners and/or have a legal interest in that certain property having an address of 8 Polo Drive, Atlanta, GA and a Fulton County tax identification number of 0017-0056-0013-008 (“Property”); and

WHEREAS, the City of Atlanta (“City”) needed a deep tunnel subsurface sewer easement interest for approximately .13 acres, more or less (“Easement”), for the purpose of completing the West Area Sewer Tunnel Project, as included in the project known as the West Side Combined Sewer System Improvements, WRSE 29, which lies approximately 158 feet below the surface of the Property (“Project”); and

WHEREAS, the City filed a Petition for Condemnation to acquire the needed Easement in the matter of CITY OF ATLANTA V. DOUGLAS ORR, FULTON COUNTY SUPERIOR COURT, CIVIL ACTION FILE NO. 2005-CV-113029 (“Condemnation”) and deposited Ten Thousand One Hundred Dollars (\$10,100.00) into the court registry according to the appraised value of the Easement to be condemned; and

WHEREAS, the Property Owner and the City have reached a tentative settlement agreement where the Property Owner has agreed to settle the above referenced matter for a payment of Twenty Five Thousand Dollars (\$25,000.00) in settlement of the Condemnation and full release of the City; and

WHEREAS, the City Attorney has performed a review of this case and determined that the settlement of this case, as described above, is in the best interests of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA HEREBY RESOLVES that the City Attorney is authorized to settle the Condemnation and to execute all necessary documents for the settlement of the Condemnation for an amount not to exceed Twenty Five Thousand Dollars (\$25,000.00), pursuant to the final settlement agreement terms as full compensation for the Condemnation of the Property, in settlement of the Condemnation and full release of City.



BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay into the Fulton County Court Registry, upon presentation and approval by the City Attorney, an additional amount of Fourteen Thousand Nine Hundred Dollars (\$14,900.00), representing the amount over the original Ten Thousand One Hundred Dollars (\$10,100.00) previously deposited needed to reach the total agreed upon settlement value, from 5052 (Water and Wastewater Renewal and Extension Fund) 170215 (DWM Wastewater Sewer Repair) 5414002 (Facilities Other Than Bldgs./Infrastructure CIP) 4333000 (New Sewer Services) 102066 (CSO-West Tunnels) and 21391 (DWM RNE 9999) for the purposes of settling all claims associated with the Condemnation; and

BE IT FINALLY RESOLVED that all resolutions or parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

MAR 05, 2012
MAR 14, 2012

RCS# 1773
3/05/12
2:21 PM

Atlanta City Council

CONSENT I

MONDAY, MARCH 5, 2012 AGENDA
EXCEPT 12-R-0249
ADOPT AS AMNDED

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 6

Y Smith	B Archibong	Y Moore	Y Bond
Y Hall	Y Wan	Y Martin	B Watson
Y Young	B Shook	B Bottoms	Y Willis
Y Winslow	Y Adrean	B Sheperd	B Mitchell

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	03-05-12 ITEMS ADVERSED ON CONSENT
1. 12-O-0278 2. 12-O-0279 3. 12-O-0283 4. 12-O-0060 5. 12-O-0099 6. 12-O-0188 7. 12-O-0189 8. 12-R-0253 9. 12-R-0268 10. 12-R-0269 11. 12-R-0270 12. 12-R-0237 13. 12-R-0238 14. 12-R-0244 15. 12-R-0245 16. 12-R-0247 17. 12-R-0248 19. 12-R-0251 20. 12-R-0252 21. 12-R-0276 22. 12-R-0280 23. 12-R-0216 24. 12-R-0281 25. 12-R-0254 26. 12-R-0255 27. 12-R-0256 28. 12-R-0257 29. 12-R-0258 30. 12-R-0259 31. 12-R-0260 32. 12-R-0261 33. 12-R-0262 34. 12-R-0263 35. 12-R-0264	36. 12-R-0265 37. 12-R-0266 38. 12-R-0267	